

## PG/MC 44-92

FOR the purpose of clarifying and confirming the authority of a municipal corporation in Montgomery County to impose by ordinance or regulation an additional or stricter building requirement than is otherwise required by any State, regional, or county unit that exercises zoning or planning authority over the municipal corporation under certain circumstances; requiring a procedure to be established for providing a waiver from certain building requirements; requiring municipal corporations to follow certain procedures before adopting an ordinance or regulation; declaring the intent of the General Assembly; ratifying certain building requirements that have been imposed before a certain date; and generally relating to building requirements imposed by municipal corporations in Montgomery County.

BY adding to

Article 28 – Maryland–National Capital Park and Planning Commission

Section 8-115.1

Annotated Code of Maryland

(1990 Replacement Volume and 1991 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 28 – Maryland–National Capital Park and Planning Commission**

8-115.1.

(A) NOTWITHSTANDING ANY OTHER LAW OR SECTION OF THIS ARTICLE TO THE CONTRARY, THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION, AS DEFINED IN § 8-104(C) OF THIS TITLE, IN MONTGOMERY COUNTY MAY BY ORDINANCE OR REGULATION, SUBJECT TO THE PROVISIONS OF ~~SUBSECTION (B)~~ SUBSECTIONS (B) AND (C) OF THIS SECTION, IMPOSE AN ADDITIONAL OR STRICTER BUILDING REQUIREMENT THAN IS OTHERWISE REQUIRED BY ANY STATE, REGIONAL, OR COUNTY UNIT THAT EXERCISES ZONING OR PLANNING AUTHORITY OVER THE MUNICIPAL CORPORATION, PROVIDED SUCH AUTHORITY SHALL BE EXERCISED IN ADDITION TO, BUT NOT IN LIEU OF, THE STATE, REGIONAL, OR COUNTY ZONING OR PLANNING AUTHORITY.

(B) A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION:

(1) SHALL BE IMPOSED FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, OR FOR THE PRESERVATION, IMPROVEMENT, OR PROTECTION OF LANDS AND IMPROVEMENTS IN THE MUNICIPAL CORPORATION; AND

(2) ~~MAY CONCERN~~ ONLY REGULATE THE CONSTRUCTION, REPAIR, ERECTION, OR REMODELING OF SINGLE-FAMILY RESIDENTIAL HOUSES, BUILDINGS, OR OTHER STRUCTURES, INCLUDING ON LAND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE AS IT RELATES ONLY TO: